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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/805,707

03/22/2004

Henri Brisebois

CAN-5004-USANP

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27777 7590 04/04/2007  
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EXAMINER

WOLLSCHLAGER, JEFFREY MICHAEL

ART UNIT

PAPER NUMBER

1732

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/04/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/805,707

Applicant(s)

BRISEBOIS ET AL.

Examiner

Jeff Wollschlager

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 25-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's amendment to the claims filed December 4, 2006 has been entered. Claims 1-24 have been canceled. Claims 25 and 27 are currently amended. Claims 39 and 40 are new. Claims 25-40 are pending and under examination.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 25-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 25, the limiting effect of the "spaced zones" is unclear. It is unclear whether the projections within the spaced zone necessarily contact the material. It is further unclear whether the projections of the spaced zones are included in the calculated total contact area. As to claims 29-31, it is unclear how the zones described in these claims relate to and are limited by the zones described in claim 25.

### ***Claim Rejections - 35 USC § 102***

Claims 25-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Amend et al. (U.S. Patent Application Publication 2003/0183053; published October 2, 2003; filed March 28, 2002).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 25, Amend et al. (hereafter Amend) teach a method of impressing a material at a plurality of discrete locations in the manufacture of an article comprising (Abstract): providing a die having a plurality of fields where each field has at least two projections arranged to engage the material substantially simultaneously; applying in succession each of said plurality of fields of projections to the surface of the material such as to apply a compressive force to the surface where the projections in each field define a total contact area over which the compressive force is applied; the total contact area of the projections in each field being such that the pressure applied by each individual field is not more than double the pressure applied by any other individual field (paragraphs [0003, 0007, 0015, 0016, 0037, 0055-0057]; Figures 5-8). Further, Amend discloses creating cross-hatched projections/zones to control the contact area (Figure 5; paragraphs [0048-0051]).

As to claim 26, Amend teaches the pressure is to be the same (paragraph [0003]).

As to claims 27, 28 and 34, Amend teaches the projections of the different fields are arranged on the die to engage the material at different times (Figure 1a) and the die

is a rotary die with the projections generally parallel to the axis of rotation (paragraph [0031]).

As to claims 29-31 Amend discloses at least one field with a first zone of projections within an inherent imaginary boundary and a second zone of projections external to the imaginary boundary corresponding to a peripheral edge of the article that are either continuous or discontinuous with each other (Figures 5-8 provide examples).

As to claims 32 and 33, the fields taught by Amend define a sealing pattern for impressing the material of the article to form a peripheral seal wherein the sealing pattern forms a sanitary napkin and a sanitary napkin flap (Figures 6-7).

As to claim 35, Amend teaches the spacing between the projections is chosen to apply a selected embossing pressure to the impressed article at the desired location (paragraph [0057]). As such, this requires different spacing to achieve the desired embossed affect between the adjacent fields (Figure 8).

As to claim 36, Amend teaches the different fields have different individual contact areas to achieve the desired embossed affect (paragraph [0057])

As to claims 37 and 38, Amend teaches that fluid-pervious and liquid-impervious materials may be employed and impressed to form seals joining the layers (paragraph [0059]).

As to claims 39 and 40, Amend teaches applying substantially equal pressure to each field (paragraphs [0003, 0016]).

### ***Response to Arguments***

Applicant's arguments in view of the amendment to the claims filed December 4, 2006 have been fully considered and have overcome the Weiher et al. reference. However, the arguments regarding the Amend et al. reference are not persuasive.

Applicant's arguments appear to be on the following grounds:

1. The previously applied art does not teach the amended claim limitations.

Applicant's arguments are not persuasive for the following reasons:

1. The examiner notes as an initial matter that the amended claims have been rejected under 35 U.S.C. 112 second paragraph since the limiting effect of the "spaced zones" is unclear. Further the examiner notes the various ways Amend discloses to control the total contact area of the die surface to maintain a constant pressure during the impressing step, including cross-hatching (Figure 5) as well as other variations (Figures 6-10) which still appear to read on the claims as currently presented and understood.

### ***Conclusion***

All claims are rejected.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Wollschlager whose telephone number is 571-272-8937. The examiner can normally be reached on Monday - Thursday 7:00 - 4:45, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JW

Jeff Wollschlager  
Examiner  
Art Unit 1732

March 30, 2007

  
CHRISTINA JOHNSON  
SUPERVISORY PATENT EXAMINER  
4/4/07